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Public Utilities Commission of the State of California

***Public Agenda 3079
Wednesday, January 9, 2002, 12 noon
San Francisco, California***

**Commissioners
Loretta M. Lynch, President
Henry M. Duque
Richard A. Bilas
Carl W. Wood
Geoffrey F. Brown**

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

**Scheduled Commission Meetings
505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Friday, January 4	Wednesday, January 9 @ 12 noon
Friday, January 18	Wednesday, January 23
Monday, February 4	Thursday, February 7
Friday, February 15	Thursday, February 21
Friday, March 1	Wednesday, March 6

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

A "♦" next to the item number on the Agenda indicates that the matter may be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-6, CA-15, and 4.

CONSENT AGENDA

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

ORDERS AND RESOLUTIONS

- CA-1 Res TL-18984 -** Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2 Res ALJ-176-3079 -** Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3 A00-11-053 – Del Oro Water Company (Del Oro).**
Del Oro seeks Commission resolution of a dispute over the validity of certain main extension agreements it entered into with developers and others in Del Oro's Lime Saddle District. This decision concurs with a staff analysis and audit and finds that the main extension agreements comply with the utility's tariffs and that Del Oro has properly accounted for funds collected through these agreements.
This proceeding is closed.
(Com Duque – ALJ Walker)
(Section 311(d).)
- CA-4 A00-05-018 – Sierra Pacific Power Company (Sierra).**
For authority to establish authorized rate of return on common equity for electric distribution for year 2001. This decision grants Sierra's request to change the filing date of its cost of capital application from May of 2001 to May 8, 2002. This proceeding is closed.
(Com Wood – ALJ Galvin)
(Section 311(g)(1).)

CA-5 Res T-16615 – Specialized Telecommunications Services, Inc., International Telephone Corporation, Tele*Star Communications, Interstate Savings, Inc., Valley Acquisition Corporation, Heartline Communications, Inc., PSP Marketing Group, Inc., Inland Call America, Inc., Business Telephone Network, Inc., Great Lakes Telecommunications Corporation, Virginia Long Distance, Inc., Hi Rim Communications, Inc., Host Network, Inc., Tricomm Technologies, Inc., Brittan Communications, BFI Communications, Inc., Smartel Communications, Inc., Athena International, LLC, and Future Telephone Communications, Inc.

This resolution revokes certificates of public convenience and necessity of 19 non-dominant interexchange carriers for failure to comply with Commission decisions.

(Section 311(g)(1).)

CA-6 (ECP) C01-08-006 - Scott Kiley vs. Pacific Bell Telephone Company and In Touch Communications.

This decision closes this proceeding due to resolution at hearing.

(Com Brown – ALJ Bushey)

CA-7 A00-11-048 – WorldCom, Inc. (WorldCom) and Intermedia Communications, Inc. (Intermedia)

For approval to transfer control of Intermedia Communications Inc. and its wholly-owned subsidiary to WorldCom, Inc. This decision modifies D01-03-079 to incorporate a new agreement between applicants WorldCom, Intermedia and the United States Justice Department designed to ensure that the WorldCom-Intermedia merger does not unduly affect competition in the Internet backbone market. This proceeding is closed.

(Com Lynch – ALJ Thomas)

CA-8 A01-10-025 - ECI Communications, Inc. (ECI) dba ITS Network Services and Integrated TeleServices, Inc. (Integrated)

This decision grants the application seeking approval under Pub. Util. Code § 851 of an agreement to transfer assets of Integrated to ECI. This proceeding is closed.

(Com Lynch – ALJ Duda)

- CA-9 R00-05-001 - Order instituting rulemaking into implementation of Senate Bill (SB) 669, regarding the Deaf and Disabled Telecommunications Program.**
This decision modifies, in part, D01-07-023 implementing the portion of SB 669 relating to California's Deaf and Disabled Telecommunications Program (DDTP). This decision alters slightly the DDTP committee membership and quorum requirements the Commission established in that decision. This proceeding is closed.
(Com Duque – ALJ Thomas)
(Section 311(g)(1).)
- CA-10 (ECP) C01-10-036 - Verizon California, Inc. (Verizon) vs. Pac-West Telecomm, Inc. (PacWest).**
This decision denies the complaint of Verizon against Pac-West. The complaint challenged an Administrative Law Judge's Ruling prohibiting Verizon from unilaterally implementing new rates established by the Federal Communications Commission for delivery of Internet-bound telephone traffic. Verizon is directed to pay Pac-West all amounts improperly withheld within three business days of this decision. This proceeding is closed.
(Com Wood – ALJ Reed)
- CA-11 A01-09-038 – TCAST Communications, Inc. (TCAST).**
This decision grants TCAST a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange services. This proceeding is closed.
(Com Wood – ALJ O'Donnell)
- CA-12 Res W-4316 – Havasu Water Company.**
This resolution authorizes a general rate increase producing additional annual revenue of \$16,082 or 18.93% in 2001.
- CA-13 C00-04-039 – Utility Consumers' Action Network (UCAN) vs. Choctaw Communications, Inc. dba Smoke Signal Communications.**
This decision awards UCAN \$7,699.04 in compensation for its contribution to D01-04-038. This proceeding is closed.
(Com Wood – ALJ Evans)
- CA-14 Res TL-18983 – Amrik Singh dba Reno Airport Shuttle.**
This resolution grants the request of Amrik Singh for voluntary suspension of his passenger stage corporation certificate for six months.

- CA-15 I01-10-003 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Mineral City Water Company and its Owner and Operator, JoAnn Perkins, and Order to Show Cause why findings should not be entered by the Commission under Public Utilities Code Section 855.**
Mineral City Water Company, a regulated water company serving 172 connections in Tehama County, has stipulated at hearing that it is unable to adequately serve its ratepayers and that this inability has a potential adverse effect on public health. Accordingly, this decision directs the Commission's Legal Division, in coordination with the California Department of Health Services, to start proceedings in the Superior Court of Tehama County pursuant to Pub. Util. Code § 855 for appointment of a receiver to take possession of and operate, the water system. This proceeding is closed.
(Com Duque – ALJ Walker)
(Section 311(d).)
- CA-16 A01-08-039 – Daniel O. Mittow and Jane Schafer-Mittow dba Davis Airporter (Applicants).**
This decision authorizes Applicants to establish a zone of rate freedom. This proceeding is closed.
(Exam Horner)
- CA-17 A01-05-012 – SCX, Inc. (SCX).**
This decision approves the application of SCX to operate scheduled vessel common carrier service between San Diego and Oceanside, and unscheduled vessel common carrier service between San Diego, Oceanside, and Marina Del Rey, subject to the condition that SCX or protestant Sea Planes, Inc, may file a petition to modify this decision within six months of commencement of the service. This proceeding is closed.
(Com Bilas – ALJ Ryerson)
- CA-18 Res W-4317 – California Utilities Service, Inc. (CUS).**
This resolution authorizes CUS an offset rate increase of \$22,628 or 4.0 % in additional revenue due to purchased power costs and local franchise taxes.
(Advice Letter 28 filed July 16, 2001)
- CA-19 Res W-4318 – Rogina Water Company, Inc. (RWC).**
This resolution authorizes RWC an offset rate increase of \$38,519 or 9.83% in additional revenue due to increase in purchased power costs.
(Advice Letter 40 filed November 1, 2001)

- CA-20 Res W-4319 – Traver Water Company (TWC).**
This resolution authorizes TWC an offset rate increase of \$2,698 or 4.8% in additional revenue due to purchased power costs.
(Advice Letter 3-W filed November 5, 2001)
- CA-21 A01-06-031 – City of Lincoln (City).**
This decision grants the request of the City to construct the Lincoln Parkway Overpass over the tracks and right of way of the Union Pacific Railroad Company and State Route 65 between Westlake Boulevard and Sterling Parkway in the City. This proceeding is closed.
(Exam Horner)
- CA-22 A01-08-007 - Advanced Tel, Inc. and TLX Communications, Inc. dba TelAmerica (TelAmerica).**
This decision grants approval to transfer control of TelAmerica to Advanced Tel, Inc. This proceeding is closed.
(Com Brown – ALJ Evans)
- CA-23 Res T-16623 – Pacific Bell Telephone Company (Pacific).**
This resolution approves a CMRS interconnection agreement between Pacific and Shelcomm in accordance with the provisions of General Order 96-A and Resolution ALJ-181.
(Advice Letter 22315 filed October 19, 2001)
- CA-24 Res T-16624 – Verizon California Inc. (Verizon).**
This resolution approves an interconnection agreement between Verizon and IG2, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181.
(Advice Letter 9907 filed October 29, 2001)
- CA-25 Res T-16625 – Pacific Bell Telephone Company (Pacific).**
This resolution approves an interconnection agreement between Pacific and Preferred Carrier Services, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181.
(Advice Letter 22372 filed November 8, 2001)
- CA-26 Res T-16620 – Gens Telesis International, Inc. (Gens).**
This resolution revokes at the request of Gens its certificate of public convenience and necessity.

- CA-27 C99-06-053 - The Utility Consumers' Action Network (UCAN) vs. Pacific Bell.**
This decision grants UCAN \$24,281.57 for its substantial contribution to D01-10-071. This proceeding is closed.
(Com Lynch – ALJ Vieth)
- CA-28 A99-08-021 – Pacific Fiber Link, L.L.C. (Pacific Fiber)**
For modification of its certificate of public convenience and necessity to review proponent's environmental assessment for compliance with the California Environmental Quality Act. Applicant, now in Bankruptcy Court, asks that a petition to modify D00-01-022 filed by 360networks (USA) inc., the successor to Pacific Fiber, be withdrawn and dismissed. This decision grants this request. This application remains open to deal with other matters.
(Com Duque – ALJ Walker)
- CA-29 A01-11-023 – Pacific Gas and Electric Company (PG&E).**
This decision grants the uncontested application of PG&E to convey three easements to Placer County Water Authority pursuant to Pub. Util. Code Section 851. This proceeding is closed.
(Com Bilas – ALJ Brown)
- CA-30 R98-06-029 – Order instituting rulemaking on the Commission's own motion into the service quality standards for all telecommunications carriers and revisions to General Order 133-B.**
This decision awards California Small Business Association and California Small Business Roundtable \$8,844.47 and Sun Yung Kim \$19,621 in compensation for their respective substantial contributions to D00-03-052. This proceeding is closed.
(Com Bilas – ALJ DeUlloa)
(Agenda 3075, Item CA-25, 11/8/01; Agenda 3077, Item CA-29, 12/11/01; Req - Commission)
- CA-31 C01-01-008- Gorgee Enterprises, Inc., et al. vs. Aram Davtyan dba Americas Dream Limousine Service.**
This decision extends the 12-month statutory deadline pursuant to Pub. Util. Code § 1701.2(d) to April 30, 2002.
(Com Bilas – ALJ Grau)
- CA-32 Res W-4310 – Bakman Water Company.**
This resolution authorizes an increase in rates producing additional annual revenues of \$66,913 or 9.31%.
(Agenda 3077, Item CA-31, 12/11/01; Req- Commission)

- CA-33** **A00-06-032 - Southern California Gas Company.**
For authority to implement a rate for peaking service as ordered by D00-04-060. This decision grants the unopposed application of The Utility Reform Network for intervenor compensation based on its substantial contribution to D00-06-032 in the amount of \$13,403.25. This proceeding is closed.
(Com Bilas – ALJ Prestidge)
- CA-34** **C01-01-016 - Lynn R. and Roma Buehler, et al. vs. Burlington Northern & Santa Fe Railway Company.**
This decision extends the 12-month statutory deadline pursuant to Pub. Util. Code § 1701.2(d) to April 30, 2002.
(Com Duque – ALJ Grau)
- CA-35** **A00-01-009 – Southern California Edison Company.**
For approval of new rates to be implemented at the end of the rate freeze period and other requested relief. This decision dismisses the application without prejudice and closes the proceeding.
(Com Bilas – ALJ Wetzell)
- CA-36**
(12/31/01) **A97-12-020 – Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, and I95-02-015 – Related matters. This decision grants PG&E’s uncontested petition for modification of D00-07-050 in which PG&E requests authority to present a new total compensation study in its next general rate case.
(Com Bilas – ALJ Wetzell)
This item appeared as Item 9 on the agenda distributed to the public.
This item was not listed on the agenda distributed to the public.
- CA-37**
(1/9/02) **R99-11-022 - Rulemaking into Implementation of Public Utilities Code Section 390.**
This decision addresses Southern California Edison’s petition for modification of D01-07-031 seeking Commission approval of changes to QF contracts.
(Agenda 3077, Item 4, 12/11/01; Req - Commission)
This item was listed as item H-13 on the agenda distributed to the public.
This item was not listed on the agenda distributed to the public.

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1 A00-09-048 – Southern California Water Company (SCWC)**
This decision finds that the lifeline rate proposal filed by SCWC at the Commission's direction is in the public interest and approves it for implementation in the utility's Region III. The rate relief program offers all eligible customers a 15% discount on each component of the water bill. This decision directs SCWC to file an advice letter for authority to establish the same program in Region II. This decision also directs SCWC to notify its master-meter customers of the lifeline rate program so that submeter customers, who are residents of manufactured housing communities and mobilehome parks, and who meet the eligibility requirements, may receive a 15% discount on their submeter bills. This proceeding is closed.
(Com Duque – ALJ Vieth)
(Section 311(d).)
(Agenda 3077, Item 2, 12/11/01; Req - Commission)
- H-2 A00-10-012 – Los Angeles to Pasadena Metro Blue Line Construction Authority (Applicant).**
For authority to construct two light rail transit tracks at-grade crossing West Avenue 45 in the City and County of Los Angeles, California. A01-06-011, A00-11-050, A00-11-040, A00-11-034, A00-11-033, A00-11-032, A00-11-029, A00-11-016, A00-11-015, A00-10-050, A00-10-039, A00-10-033, A00-10-020 – Related matters. This decision affirms the Assigned Commissioner's Ruling allowing construction of crossings at the Applicant's risk. It also requires Applicant to provide evidence of the amount at taxpayer risk.
(Com Bilas – ALJ Rosenthal)
(Agenda 3076, Item 5, 11/29/01; Agenda 3077, Item H-1, 12/11/01; Req - Commission)
- H-2a ALTERNATE ORDER TO ITEM H-2.** This alternate order declines to affirm the Assigned Commissioner's Ruling and grants authority for applicant to begin construction on certain crossings.
(Com Lynch)

- H-3** **A01-04-007 – Southern California Gas Company (SoCalGas).**
This decision addresses the terms and conditions upon which SoCalGas may sell the 14 Bcf of reclassified cushion gas at its Aliso Canyon and La Goleta storage fields.
(Com Lynch – ALJ Wong)
(Agenda 3073, Item 3, 10/10/01; Agenda 3077, Item H-3, 12/11/01; Req - Commission)
- H-3a** **ALTERNATE ORDER TO ITEM H-3.**
This alternate differs from the draft decision in that it authorizes Southern California Gas Company (SoCalGas) to transfer 70% (9.8 Bcf) of the 14 Bcf of reclassified cushion gas at the two storage fields to SoCalGas' portfolio at a price to be determined in Phase 2 of this proceeding. The alternate also authorizes SoCalGas to sell 30% of the 14 Bcf of reclassified cushion gas on the open market utilizing the sealed bid procedure as described in its July 6, 2001 comments. The determination of how the remaining net proceeds should be allocated, and other ratemaking issues described in D01-06-086, shall be addressed in Phase 2 of this proceeding.
(Com Duque)
- H-4** **A01-05-049 – Southern California Edison Company (SCE).**
This decision grants SCE the authority to lease to Ventura Power Storage, LLC a 7.5-acre site located on a portion of SCE's Mandalay-Santa Clara 220-kilovolt (kV) transmission and 66-kV sub-transmission right of way in the City of Ventura. Ventura Power Storage would operate a self-storage facility on the site, a use that SCE states will not interfere with its utility operations. SCE is required to submit certain environmental documentation within 120 days. This proceeding is closed.
(Com Brown – ALJ Walker)
(Agenda 3074, Item CA-19, 10/25/01; Agenda 3077, Item H-4, 12/11/01; Req - Commission)
- H-4a** **ALTERNATE ORDER TO ITEM H-4.** This decision denies without prejudice, Southern California Edison Company's (SCE) request for authority to lease to Ventura Power Storage, LLC a 7.5-acre site located on a portion of SCE's Mandalay-Santa Clara 220-kilovolt (kV) transmission and 66-kV subtransmission right-of-way in the City of Ventura. Ventura Power Storage would operate a self-storage facility on the site, a use that SCE states will not interfere with its utility operations. This proceeding is closed.
(Com Wood)
(Agenda 3077, Item H-4a, 12/11/01; Req - Commission)
This revision was not listed on the agenda distributed to the public.
- (Rev.)**
(1/7/02)

- H-5** **A01-07-036 – Southern California Edison Company (SCE).**
SCE seeks authority to lease to Power Storage Industry, II, LLC (Power Storage) a 5.7-acre site located on a portion of SCE's Walnut 220/12-kilovolt (kV) substation in the City of Industry. Power Storage would develop a self-storage facility on the site, a use that SCE states will not interfere with its utility operations. The application is unopposed. The Commission grants the application but, based on our new procedure for applications like this one, the Commission requires SCE within 120 days to submit documents attesting to the appropriate environmental review of the project. This proceeding is closed.
(Com Bilas – ALJ Walker)
(Agenda 3073, Item CA-27, 10/10/01; Agenda 3077, Item H-6, 12/11/01; Req - Commission)
- H-5a** **ALTERNATE ORDER TO ITEM H-5.** Southern California Edison Company (SCE) seeks authority to lease to Power Storage Industry II, LLC (Power Storage) a 5.7-acre site located on a portion of SCE's Walnut 220/12-kilovolt (kV) substation in the City of Industry. Power Storage would develop a self-storage facility on the site, a use that SCE states will no interfere with its utility operations. The application is unopposed. The Commission denies the application, without prejudice. This proceeding is closed.
(Com Wood)
(Agenda 3077, Item H-6a, 12/11/01; Req - Commission)
- (Rev.)** (Agenda 3077, Item H-6a, 12/11/01; Req - Commission)
(1/7/02) This revision was not listed on the agenda distributed to the public.
- H-6** **A01-08-012 – Southwest Gas Corporation (Southwest).**
This decision grants Southwest the authority to issue one or more types of debt securities in the principal amount of up to \$550,000,000; refinance previously issued short-term debt securities; and enter into one or more interest rate risk management contracts. This proceeding is closed.
(Exam Clanon)
(Agenda 3074, Item 7, 10/25/01; Req - Commission)

- H-7 A89-03-026 – Southern California Edison Company (Edison).**
For a certificate that the present and future public convenience and necessity requires or will require Edison to construct and operate a 220 kV double-circuit transmission line between the Kramer Substation and the Victor Substation in San Bernardino County. This decision approves an award of compensation to The Utility Reform Network (TURN) for substantial contributions to D00-06-054 but reduces the award by an amount to be determined. TURN sought compensation totaling \$118,714.42, but a part of that request dealt with time spent pursuing alleged violations by Edison of Rule 1, the Commission's Code of Ethics. The Rule 1 allegations were withdrawn, and the record reflects that Rule 1 matters were not considered in the Commission's deliberations. We direct TURN to file a supplemental pleading recalculating the amount it requests without the Rule 1 fees and charges. Edison had protested TURN's request in part, including the request for Rule 1 recovery. This proceeding remains open pending a supplemental filing and issuance of a final decision.
(Com Duque – ALJ Walker)
(Agenda 3060, Item CA-33, 3/27/01; Agenda 3070, Item H-1, 9/6/01; Req - Commission)
- H-7a ALTERNATE ORDER TO ITEM H-7.**
This alternate order awards The Utility Reform Network the full amount requested, \$118,714.42, and closes the proceeding.
(Com Wood)
- H-8 A93-12-025 – Southern California Edison Company.**
For authority to increase its authorized level of base rate revenue under the Electric Revenue Adjustment Mechanism for service rendered beginning January 1, 1995 and to reflect this increase on rates. I94-02-002 – Related Matter. This decision denies without prejudice modification of San Diego Gas & Electric Company's (SDG&E) requested revenue sharing mechanism and associated pricing provisions adopted for San Onofre Nuclear Generating Units Nos. 2 and 3 (SONGS 2&3) in D96-04-059, clarifies that SDG&E will have an obligation to serve ratepayers with SONGS 2&3 generation after 2003, and denies without prejudice SDG&E's requested ratemaking method to reduce the Assembly Bill 265 Undercollection Balancing Account. This proceeding is closed.
(Com Duque – ALJ Econome)
(Section 311(g)(1).)
(Agenda 3073, Item 1, 10/10/01; Agenda 3077, Item H-8, 12/11/01; Req – Commission)

- H-9 A96-09-028 – Pacific Gas and Electric Company.**
For authority to continue the unbundling of interstate transmission charges from core transport rates, and to address Canadian transmission capacity and charges as they relate to core transport rates, beginning January 1, 1998. This decision modifies D97-12-032 to grant core aggregators an assignment of gas transportation capacity on the ANG and NOVA pipelines. Adopts restrictions to stabilize core aggregation in natural gas market without subsidizing expansion of aggregation market. This proceeding is closed.
(Com Bilas – ALJ Sullivan)
(Section 311(g)(1).)
(Agenda 3076, Item CA-4, 11/29/01; Req - Commission)
- H-10 I01-04-002 - Order Instituting Investigation whether Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and their respective holding companies, PG&E Corporation, Edison International, and Sempra Energy, respondents, have violated relevant statutes and Commission decisions, and whether changes should be made to rules, orders, and conditions pertaining to respondents' holding company systems. A87-05-007, A94-11-013, A95-10-024, A96-10-038 – Related matters.**
This decision responds to the jurisdictional objections of respondents PG&E Corporation, Edison International, and Sempra Energy.
(Com Lynch – ALJ Thomas)
(Agenda 3065, Item 11, 6/14/01; Agenda 3069, Item H-9, 8/23/01; Req - Commission)
- H-10a ALTERNATE ORDER TO ITEM H-10.** This alternate decision sustains the jurisdictional objections of respondents PG&E Corporation, Edison International and Sempra Energy.
(Com Duque)
(Agenda 3067, Item H-16a, 7/12/01; Agenda 3069, Item H-9a, 8/23/01; Req - Commission)

- H-11** **R_____ - Order Instituting Rulemaking regarding the implementation of the suspension of direct access.**
By D01-09-060, issued September 20, 2001, pursuant to Assembly Bill 1X, the Commission suspended direct access, i.e., the ability of electric utility customers to purchase electricity from Electric Service Providers. In this rulemaking, the Commission will consider the issues related to implementation of the suspension of direct access, including the effect to be given to contracts executed or agreements entered into on or before September 20, 2001, as well as renewal of any contracts or agreements. (Agenda 3076, Item 6, 11/29/01; Agenda 3077, Item H-14, 12/11/01; Req - Commission)
- H-12** **R98-07-038 - Rulemaking for purposes of revising General Order (GO) 96-A regarding informal filings at the Commission.**
This decision would adopt part of the rules proposed for GO 96-B. The adopted rules require each telecommunications utility to notify its affected customers in advance whenever that utility proposes to raise its rates or charges, withdraw services, or transfer the customers to another service provider.
(Com Duque – ALJ Kotz)
(Section 311(g)(1).)
(Agenda 3076, Item 1, 11/29/01; Agenda 3077, Item H-17, 12/11/01; Req - Commission)
- H-13** Moved to Item CA-37 on the agenda.
(Rev.) This revision was not listed on the agenda distributed to the public.
(1/9/02)

ORDERS

- 1 I01-04-002 - Order Instituting Investigation whether Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), San Diego Gas & Electric Company (SDG&E), and their respective holding companies, PG&E Corporation, Edison International, and Sempra Energy have violated relevant statutes and Commission decisions, and whether changes should be made to rules, orders, and conditions pertaining to respondents' holding company systems.** A87-05-007, A94-11-013, A95-10-024, A96-10-038 – Related matters. This interim decision interprets the “first priority” condition incorporated into the decisions approving the holding company systems of Respondents PG&E, Edison, and SDG&E, as well as their respective parent holding companies, PG&E Corporation, Edison International, and Sempra Energy. This decision concludes that the condition prohibits a holding company from (1) acquiring assets of its utility subsidiary for inadequate consideration, and (2) acquiring assets of its utility subsidiary at any price, if such acquisition would impair the utility’s ability to fulfill its obligation to serve or to operate in a prudent and efficient manner.
(Com Lynch – ALJ Thomas)
- 2 R01-08-027 - Order Instituting Rulemaking on the Commission’s Proposed Policies and Programs Governing Low-Income Assistance Programs.**
This decision changes the eligibility criteria for the California Alternative Rates for Energy (CARE) and Low-Income Energy Efficiency programs for customers of the smaller and multi-jurisdictional energy utilities to be consistent with those adopted for the four large energy utilities in D01-06-010. In addition, the CARE discount of 20% adopted in D01-06-010 for the four large energy utilities is also made applicable to the smaller and multi-jurisdictional energy utilities.
(Com Wood – ALJ Allen)
(Section 311 (g)(1).)
- 3 R98-07-037 - Order Instituting Rulemaking on the Commission’s Proposed Policies and Programs Governing Energy Efficiency, Low-Income Development and Demonstration..**
This decision addresses Petitions to Modify D01-03-073 filed 1) jointly by Pacific Gas and Electric Company and Southern California Gas Company, 2) Kawakaski Motors Corporation U.S.A., and 3) RealEnergy Corporation. This decision also approves, in part, the petition filed by Kawakaski, but denies the other petitions.
(Com Lynch – ALJ Gottstein)
(Section 311(g)(1).)

- 4 **I97-07-018 - Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc. (Hillview), a corporation, and Roger L. Forrester, the principal shareholder and president.**
This decision denies the motion for adoption of settlement jointly filed by the Ratepayer Representation Branch of the Water Division, and Hillview, one of the respondents in this investigation. However, the decision grants a petition by Hillview to modify, in part, the order instituting this investigation.
(Com Duque – ALJ Ryerson)
(Section 311(d).)
- 5 **R_____ - Order Instituting Rulemaking to repeal Rule 63.2(b) of the Commission's Rules of Practice and Procedure.**
By this order the Commission initiates a rulemaking on its own motion to repeal Rule 63.2(b) of the Commission Rules of Practice and Procedure to delete provision for the automatic reassignment of the assigned Administrative Law Judge (ALJ) in ratesetting proceedings. The purpose of this proposed rulemaking is to reduce any delay in Commission decisions on ratesetting matters associated with automatic reassignment of the ALJ.
- 6 **R_____ - Order Instituting Rulemaking into the issues of safety certification for rail transit agencies and other public transit guideways.**
By this order the Commission institutes a rulemaking to examine the issues of safety certification for rail transit agencies and other public transit guideways. The draft revised General Order 164-C would establish review and approval requirements by the Commission for a safety certification program plan, a project-specific safety certification plan before construction, and a project specific safety certification verification report before revenue operation of major capital projects.
- 7 **I_____ - Order Instituting Investigation on the Commission's own motion into the rate of return earned by Valencia Water Company (Valencia).**
By this order the Commission institutes an investigation into the operations and practices of Valencia to determine whether it has and will earn a rate of return in excess of that authorized by D94-12-020 and to establish the appropriate revenue requirement. This order also establishes a memorandum account in which all revenues in excess of those authorized by the 9.40% rate of return shall be placed, and requires Valencia to file a Notice of Intent to file its General Rate Case within 60 days of the service of this Order.

- 8** **A01-09-007 – San Diego Gas & Electric Company (SDG&E).**
For construction and operation of a second 230 kV Circuit on the existing transmission line from Imperial Valley Substation to the international border to interconnect with the Commission Federal De Electricidad, Baja California Norte System. This decision grants the request by SDG&E to relocate six support structures along the existing Imperial Valley-La Rosita transmission line to accommodate two proposed merchant transmission line projects, provided that the relocation and any related costs will not be borne by ratepayers. This proceeding is closed.
(Com Duque – ALJ Cooke)
- 9** Moved to Item CA-36 on the agenda.
(Rev.) This revision was not listed on the agenda distributed to the public.
(12/31/01)
- 10** **I01-12-010 – Order Instituting Investigation into the actions of Pacific Gas and Electric Company (PG&E), and its officers and employees for non-compliance with a Commission Decision.**
This decision addresses PG&E's uncontested proposal for resolving the issues arising from D01-10-059 and the Commission's order instituting the investigation and related Order to Show Cause. PG&E shall pay a penalty and shall tender a Notice of Intent for a test year 2003 general rate case as set forth in the decision. This proceeding is closed.
(Com Brown – ALJ Wetzell)

UTILITIES RESOLUTIONS AND WRITTEN REPORTS**ENERGY MATTERS**

- E-1 Res G-3320 – Southern California Gas Company (SoCalGas).**
SoCalGas requests the Commission to authorize the implementation of a new service allowing telecommunication carriers and cable TV companies to place fiber optic cable in SoCalGas active gas pipelines under a tariffed rate.
(Advice Letter 3040 filed July 13, 2001)
(Agenda 3076, Item E-2, 11/29/01; Agenda 3077, Item E-4, 12/11/01; Req - Commission)
- E-2 Res G-3322 – Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and Southern California Gas Company (SoCalGas).**
PG&E requests authority for interim funding of its low-emission vehicle program starting January 1, 2002 and continuing through the effective date of the rates resulting from a Commission decision issued in PG&E's next general rate case. SCE requests authority to extend its Electric Vehicle Adjustment Clause mechanism until December 31, 2002. SoCalGas requests authority for interim funding of its low-emission vehicle program until the later of December 31, 2002, or the issuance of a final decision in its next base margin proceeding. This resolution grants, with modifications, the requests of PG&E, SCE, SoCalGas, except for PG&E Advice Letter 2164-E, which is denied. San Diego Gas & Electric Company is ordered to file an application as described in this resolution if they intend to continue their low-emission vehicle program beyond the current authorization provided in D95-11-035.
(PG&E Advice Letter (AL) 2340-G filed September 14, 2001, PG&E AL 2164-E filed September 19, 2001, SCE AL 1558-E filed July 6, 2001, SoCalGas AL 3022 filed April 30, 2001).
(Agenda 3077, Item E-1, 12/11/01; Req - Commission)
- E-3 Res G-3328 – Pacific Gas and Electric Company (PG&E).**
PG&E requests approval for its California Alternative Rate for Energy application form revisions pursuant to Ordering Paragraph 6 of D00-09-036.
(Advice Letter 2302-G/2088-E filed March 16, 2001)
(Section 311(g)(1).)
(Agenda 3077, Item E-1, 12/11/01; Req - Commission)

TELECOMMUNICATIONS MATTERS

- C-1 Res T-16619 – Calaveras Telephone Company, California-Oregon Telephone Company, Citizens Telecommunications Company of the Golden State, Citizens Telecommunications Company of Tuolumne, Ducor Telephone Company, Evans Telephone Company, Foresthill Telephone Company, Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Company, Pinnacles Telephone Company, The Ponderosa Telephone Company, Sierra Telephone Company, Siskiyou Telephone Company, Verizon West Coast Incorporated, Volcano Telephone Company, and Winterhaven Telephone Company.**

(Rev.) This resolution adopts the California High Cost Fund-A rate design and support for each of the small local exchange carriers for Calendar Year 2002 in the total amount of \$ 37,117,646 to comply with the requirements of Public Utilities Code Sections 270-281.

(1/03/02)

(Section 311(g)(1).)

This revision was not listed on the agenda distributed to the public.

- C-2 Res T-16622 – Pacific Bell Telephone Company (Pacific).**

This resolution approves Pacific's request to implement a temporary California High Cost Fund-B catch-up surcredit in compliance with D98-09-039.

(Advice Letter (AL) 22328 filed October 25, 2001, and AL 22328-A filed October 31, 2001)

(Section 311(g)(1).)

- C-3 Res T-16621 – Roseville Telephone Company (Roseville).**

This resolution approves Roseville's request to implement a temporary California High Cost Fund-B catch-up surcredit in compliance with D98-09-039.

(Advice Letter 640 filed October 25, 2001)

(Section 311(g)(1).)

WATER MATTERS

- W-1 Res W-4320 – Southern California Water Company, Metropolitan District.**
This resolution addresses the utility's request to increase rates as part of its infrastructure replacement program.
(Advice Letter 1105-W filed November 13, 2001)

COMMISSIONERS' REPORTS

Commissioner Wood

- Discussion of the CPUC's involvement in the new Western Electricity Coordinating Council, which will replace the Western States Coordinating Council and other regional transmission reliability groups.

MANAGEMENT REPORTS

CLOSED SESSION

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

NON-FEDERAL ITEMS

ORDERS HELD OVER

- HEX-1 Conference with Legal Counsel - Existing Litigation**
San Diego Gas & Electric Company v. PUC, Court of Appeal, Fourth Appellate District, Division One, D038064.
(Gov. Code § 11126(e)(2)(A).)
(Agenda 3068, Item EX-13, 8/2/01; Agenda 3077, Item HEX-5, 12/11/01; Req - Commission)
- HEX-2 Conference with Legal Counsel – Application for Rehearing**
R98-09-005 – Disposition of the application for rehearing of D01-08-060 filed by FONES4ALL Corp. D01-08-060 grants the motion of FONES4ALL Corp. for a partial stay of D00-10-028 on condition that it obtain a bond sufficient to cover the amount it would have to repay the Universal Lifeline Telephone Service Fund (“ULTSF”) if that stay is lifted. In D00-10-028, the Commission modified operation of the ULTSF to limit the amount of lost revenues competitive local carriers may recover to the amount recoverable by incumbent local carriers.
(Gov. Code § 1126 (e)(2)(B)(i).)
(Agenda 3075, Item EX-11, 11/8/01; Agenda 3077, Item HEX-7, 12/11/01; Req - Commission)

HEX-3

Conference with Legal Counsel – Application for Rehearing.

A01-05-032, A01-05 –043 and A01-05-044 –Disposition of Applications for Rehearing of Resolution M-4801, filed by the California Association of Competitive Telecommunications Companies, Southern California Edison Company and San Diego Gas & Electric Company/Southern California Gas Company, respectively. On April 19, 2001, by Resolution M-4801, the Commission confirmed staff's authority to suspend the effectiveness of advice letter filings of tariff changes.

(Gov. Code § 11126(e)(2)(B)(i).)

(Agenda 3071, Item EX-8, 9/20/01; Agenda 3077, Item HEX-1, 12/11/01; Req - Commission)

ORDERS

- EX-1 Conference with Legal Counsel – Applications for Rehearing**
Compilation of applications for rehearing recently filed with the Commission.
(Gov. Code §. 11126(e)(2)(B)(i).)
- EX-2 Conference with Legal Counsel – Threatened Litigation**
Significant exposure to litigation.
(Gov. Code § 11126(e)(2)(B).)
- EX-3 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, litigation.
(Gov. Code § 11126(e)(2)(C)(i).)
- EX-4 Personnel Matters**
Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.
(Gov. Code § 11126(a).)
- EX-5 Conference with Legal Counsel – Application for Rehearing**
C00-01-017–Disposition of applications for rehearing by respondent Hillsboro Properties (Hillsboro) and Intervenor Western Manufactured Housing Assoc. of D01-08-040, which resolved a complaint filed against Hillsboro in favor of the complainant, Robert Hambly. In D01-08-040 the Commission agreed with the complainant’s claim that Hillsboro, as owner of the Los Robles Mobilehome Park, assessed the tenants of the park annual rent increases which, though approved by the City of Novato under its rent control ordinance, result in higher charges for submetered natural gas and electric service than Pub.Util. Code Section 739.5 permits.
(Gov. Code § 11126(e)(2)(B)(i).)
- EX-6 Conference with Legal Counsel – Application for Rehearing**
A97-12-020, I97-11-026, A94-12-005, I95-02-015 – Disposition of Application for Rehearing filed by Pacific Gas and Electric Company (PG&E) of D01-10-031, which granted rehearing of D00-02-046, which issued as a result of PG&E’s Test Year 1999 General Rate Case.
(Gov. Code, § 11126(e)(2)(B)(i).)

- EX-7 Conference with Legal Counsel – Application for Rehearing**
A01-11-030 – Disposition of the application for rehearing of Resolution W-4308 filed by City of Point Arena on November 23, 2001. The Resolution granted an interim increase in rates, which are subject to refund as the General Rate Case proceeds.
(Gov. Code § 11126(e)(2)(B)(i).)
- EX-8 Conference with Legal Counsel – Applications for Rehearing**
C98-04-004, C98-06-003, C98-06-027, C98-06-049, I90-02-047 – Disposition of applications for rehearing of D01-09-058 filed by Communications Workers of America, Greenlining Institute, Latino Issues Forum and the 31 Individual Complainants, and Pacific Bell. D01-09-058 is a final decision in a complaint proceeding against Pacific Bell regarding its practices for marketing optional services to residential customers.
(Gov. Code § 11126(e)(2)(B)(i).)
- EX-9 Conference with Legal Counsel – Application for Rehearing**
I99-06-005 – Disposition of the motion for stay of D01-10-066 filed by the Burlington Northern and Santa Fe Railway Company and Union Pacific Railroad Company (Railroads). D01-10-066 orders the Railroads to comply with California Labor Code Section 6906 (b).
(Gov. Code § 1126 (e)(2)(B)(i).)
- EX-10 Conference with Legal Counsel – Applications for Rehearing**
A01-01-010 – Disposition of the rehearing application of D01-09-054 filed by Pacific Bell Telephone Company (Pacific). The decision affirmed the results adopted in the Final Arbitrator's Report, as modified, and approved the interconnection agreement between Pacific and MCImetro Access Transmission Services, L.L.C.
(Gov. Code § 11126(e)(2)(B)(i).)

FEDERAL ITEMS

- FEX-1 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in,
federal agency or court proceedings.
(Gov. Code § 11126(e)(2)(C)(i).)

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AND
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Those intervenors who have financial hardship determination pending or granted shall be eligible to receive draft agenda item packets at no charge.

Results of Commission Meeting
January 9, 2002 -- Agenda 3079

Commissioners present: Lynch, Duque, Bilas, Wood and Brown

Public Comment:

re Item 3: Kari Smith
Powerlight Corp.

(Decision numbers have been issued but processing the decisions for mailing may take up to 10 days.)

	Proceeding # or Resolution #	Decision #	Action Taken	Comments
CAs				
CA-1	Res TL-18984		Approved 5-0	
CA-2	Res ALJ-176-3079		Approved 5-0	
CA-3	A00-11-053	D02-01-014	Signed 5-0	
CA-4	A00-05-018	D02-01-015	Signed 5-0	
CA-5	Res T-16615		Approved 5-0	
CA-6	C01-08-006		Held to 1/23/02	Consent Agenda
CA-7	A00-11-048	D02-01-016	Signed 5-0	
CA-8	A01-10-025	D02-01-017	Signed 5-0	
CA-9	R00-05-001	D02-01-018	Signed 5-0	
CA-10	C01-10-036		Held to 1/23	Regular Agenda
CA-11	A01-09-038	D02-01-019	Signed 5-0	
CA-12	Res W-4316		Approved 5-0	
CA-13	C00-04-039	D02-01-020	Signed 5-0	
CA-14	Res TL-18983		Approved 5-0	
CA-15	I01-10-003	D02-01-021	Signed 5-0	
CA-16	A01-08-039	D02-01-022	Signed 5-0	
CA-17	A01-05-012		Held to 1/23	Consent Agenda
CA-18	Res W-4317		Approved 5-0	
CA-19	Res W-4318		Approved 5-0	
CA-20	Res W-4319		Approved 5-0	
CA-21	A01-06-031	D02-01-023	Signed 5-0	
CA-22	A01-08-007	D02-01-024	Signed 5-0	
CA-23	Res T-16623		Approved 5-0	
CA-24	Res T-16624		Approved 5-0	
CA-25	Res T-16625		Approved 5-0	
CA-26	Res T-16620		Approved 5-0	
CA-27	C99-06-053	D02-01-025	Signed 5-0	
CA-28	A99-08-021	D02-01-026	Signed 5-0	
CA-29	A01-11-023	D02-01-027	Signed 5-0	
CA-30	R98-06-029		Held to 1/23	Consent Agenda
CA-31	C01-01-008	D02-01-028	Signed 5-0	
CA-32	Res W-4310		Approved 5-0	
CA-33	A00-06-032	D02-01-029	Signed 5-0	

CA-34	C01-01-016	D02-01-030	Signed 5-0	
CA-35	A00-01-009	D02-01-031	Signed 5-0	
CA-36	A97-12-020 etal	D02-01-032	Signed 5-0	
CA-37	R99-11-022	D02-01-033	Signed 5-0	Change page 4 as modified.
HELD				
H-1	A00-09-048	D02-01-034	Signed 5-0	
H-2	A00-10-012 etal		Signed 2-3	Defeated. Comr Duque and Comr Bilas voted in favor.
H-2a	A00-10-012 etal Alt Order	D02-01-035	Signed 5-0	Comr Duque will file partial dissent and Comr Bilas will file partial dissent.
H-3	A01-04-007		Held to 1/23	
H-3a	A01-04-007 Alt Order		Withdrawn	
H-4	A01-05-049		Held to 2/21	
H-4a	A01-05-049 Alt Order		Held to 2/21	
H-5	A01-07-036		Held to 2/21	
H-5a	A01-07-036 Alt Order		Held to 2/21	
H-6	A01-08-012		Held to 1/23	
H-7	A89-03-026		Withdrawn	
H-7a	A89-03-026 Alt Order	D02-01-036	Signed 3-2	Comr Duque and Comr Bilas dissented.
H-8	A93-12-025		Held to 1/23	
H-9	A96-09-028		Held to 1/23	
H-10	I01-04-002 etal	D02-01-037	Signed 3-2	Pres Lynch made a motion to override the hold on Items H-10, H-10a and Item 1. Motion approved 3-2; Comr Duque and Comr Bilas dissented. Comr Brown will file a concurrence. Comr Duque and Comr Bilas will file a joint dissent.
H-10a	I01-04-002 etal Alt Order		Defeated Signed 2-3	Pres Lynch made a motion to override the hold on Items H-10, H-10a and Item 1. Motion approved 3-2; Comr Duque and Comr Bilas dissented. Comr Duque and Comr Bilas voted in favor.
H-11	R_____	R02-01-011	Signed 5-0	Comr Duque will file a concurrence.
H-12	R98-07-038	D02-01-038	Signed 5-0	
H-13	Moved to CA-37			
ORDERS				

1	I01-04-002 etal	D02-01-039	Signed 3-2	Pres Lynch made a motion to override the hold on Items H-10, H-10a and Item 1. Motion approved 3-2; Comr Duque and Comr Bilas dissented.
				Comr Brown will file a concurrence. Comr Duque and Comr Bilas dissented.
2	R01-08-027	D02-01-040	Signed 5-0	
3	R98-07-037		Held to 2/7	
4	I97-07-018	D02-01-041	Signed 5-0	
5	R_____	R02-01-010	Signed 5-0	
6	R_____	R02-01-009	Signed 5-0	
7	I_____		Held to 1/23	
8	A01-09-007		Held to 1/23	
9	Moved to CA-36			
10	I01-12-010		Held to 1/23	
ENERGY				
E-1	Res G-3320		Approved 5-0	
E-2	Res G-3322		Held to 1/23	
E-3	Res G-3328		Held to 1/23	
TELCO				
C-1	Res T-16619		Approved 5-0	
C-2	Res T-16622		Approved 5-0	
C-3	Res T-16621		Approved 5-0	
WATER				
W-1	Res W-4320		Held to 1/23	
COMMISSIONER'S REPORT				
Comr Wood moves to affiliate the CPUC with the Western Electricity Coordinating Council (as the CPUC is currently affiliated with the WSCC) Approved 5-0.				
Pres Lynch moved to nominate Comr Wood to stand for election to one of the four seats (voting members) on the WECC reserved for public agency members. Approved 4-0.				
Comr Wood abstains.				
At the conclusion of Executive Session, the Commission reconvened in Public Session to consider two items on its hold list. (H-10, H-10a and Item 1)				
EXEC				
HEX-2	R98-09-005	D02-01-042	Signed 5-0	
HEX-3	A01-05-032 etal		Held to 1/23	
EX-5	C00-01-017	D02-01-043	Signed 5-0	

EX-6	A97-12-020 etal	D02-01-044	Signed 5-0	
EX-7	A01-11-030		Held to 2/7	
EX-8	C98-04-004 etal		Held to 1/23	
EX-9	I99-06-005	D02-01-045	Signed 5-0	
EX-10	A01-01-010		Held to 1/23	